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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,155	12/30/2003	Alan Dry	04224 (3883.00032)	7836

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT PAPER NUMBER

3612

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,155

Applicant(s)

DRY ET AL.

Examiner

Patricia L Engle

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12 and 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-12 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead et al. (US Patent 6,422,640) in view of Tolinski (US 2002/0149236).

Regarding claims 1 and 10, Whitehead et al. disclose a modular door trim panel assembly comprising: a molded substrate (110) having a first side defining an A-side surface (134) that is visible from the interior of an automotive vehicle (Fig. 1) and a second side opposite said first side that defines a B-side surface (122) adjacent a vehicle door (Fig. 2), said substrate (120) including a pair of side terminal edges (see illustration below) and a lower terminal edge (see illustration below) extending therebetween; and at least one seal (142) that is co-molded while said substrate is formed and bonded to said B- side of said substrate, said seal (142) extending substantially parallel to said pair of side terminal edges and said lower terminal edge of said substrate and adapted to prevent the entry of moisture between said B-side of said substrate and the vehicle door. MPEP 2113 Product-by-Process Claims states that "If the product in the product-by-process claim is that same as or obvious from a product of the prior art, the claim is unpatentable even though the prior art product was made by a different process." The modular door trim is anticipated by Whitehead et al. The process by which the modular door trim is made is not a patentable distinction.

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Whitehead et al. do not disclose that the seal is a polymer material for use within an injection mold that maintains flexible quality when cured.

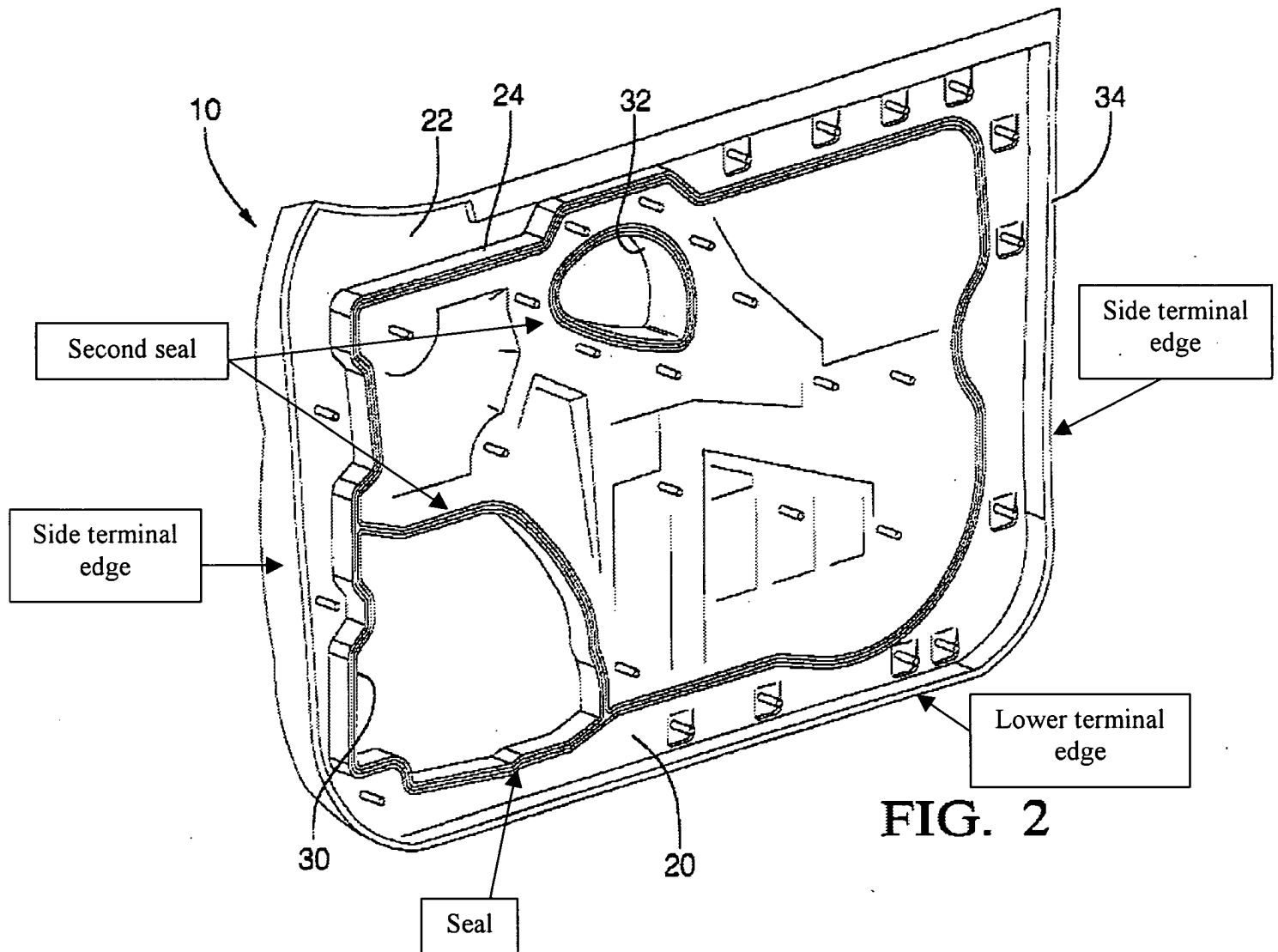
Tolinski discloses a vehicle component which is co-molded with a seal (32) and in which the seal (32) is injection molded into the recess (Fig. 4) and is flexible after being cured (Fig. 4).

Whitehead et al. and Tolinski are analogous art because they are from a similar problem solving area, i.e., placing a seal in a recess.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to co-mold by injection molding the seal to the trim panel.

The motivation would have been to form a seal within the trim panel which eliminates the need for secondary sealants which results in a cleaner assembly process. This facilitates assembly and reduces cost (Tolinski, paragraph 0021).

Therefore, it would have been obvious to combine Tolinski with Whitehead et al. to obtain the invention as specified in claim 1 and 10.



Regarding claims 2 and 11, Whitehead et al. as modified disclose a modular door trim panel assembly as set forth in claim 1 wherein said seal (142) extends from said B-side surface (122) to a vehicle door (16) to sealingly contact a predetermined area of the vehicle door (16 and column 3, line 17).

Regarding claims 3 and 12, Whitehead et al. as modified disclose a modular door trim panel assembly as set forth in claim 2 wherein a portion of said pair of side terminal edges and

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said lower terminal edge are contoured (Fig. 5) to receive said seal (124) and facilitate contact between said seal and the vehicle door.

Regarding claims 5 and 14, Whitehead et al. as modified disclose a modular door trim panel assembly as set forth in claim 1 wherein said molded substrate (110) further includes at least one aperture (30,32) adapted to receive a door trim panel component (Fig. 1).

Regarding claims 6 and 15, Whitehead et al. as modified disclose a modular door trim panel assembly as set forth in claim 5 further including at least one door trim panel component disposed within said aperture (30,32) and mounted to said molded substrate (110), said door trim panel component having at least one surface visible from the interior of an automotive vehicle (Fig. 1).

Regarding claims 7 and 16, Whitehead et al. as modified disclose a modular door trim panel assembly as set forth in claim 5 further including a second seal (142, see illustration above) that is co-molded while said substrate is formed and bonded to said B-side (122) of said substrate, said seal extending substantially around said aperture (30,32 and column 3, lines 25-27) and adapted to prevent the entry of moisture between said B-side of said substrate and the vehicle door through said aperture.

Regarding claims 8 and 17, Whitehead et al. as modified disclose a modular door trim panel assembly as set forth in claim 7 wherein said second seal (24) extends from said B-side surface to a vehicle door to sealingly contact a predetermined area of the vehicle door (16) adjacent said aperture (30,32).

Regarding claims 9 and 18, Whitehead et al. as modified disclose a modular door trim panel assembly as set forth in claim 7 wherein said second seal is made of a polymer material

(column 3, lines 17-19 also Tolinski discloses that the seal is rubber or other known materials and rubber is a known polymer) suitable for use within an injection mold that maintains a flexible quality when cured. MPEP 2113 Product-by-Process Claims states that "If the product in the product-by-process claim is that same as or obvious from a product of the prior art, the claim is unpatentable even though the prior art product was made by a different process." The seal is anticipated by Whitehead et al. The process by which the seal is made is not a patentable distinction.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3, 5-12 and 14-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other modular door trim panel assemblies.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777.

The examiner can normally be reached on Monday - Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Primary Examiner
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ple
August 10, 2004